



012204

15866 U.S. PTO

**NEW UTILITY PATENT APPLICATION
TRANSMITTAL**DOCKET NO.
SNE-10-5622-D1TOTAL PAGES IN THIS SUBMISSION
331353 U.S. PTO
10/762917

012204

TO THE ASSISTANT COMMISSIONER FOR PATENTS**Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Transmitted herewith for filing under 35 USC 111(a) and 37 CFR 1.53(b) is a new utility patent application for an invention entitled:

**SPLIT WHEEL STUMP CUTTER WITH REPLACEABLE TOOTH BLOCKS
AND CUTTING TEETH**

and invented by:

JOHN T. BENNINGTON

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation☒ Divisional☐ Continuation -in -part (CIP)

in prior application No.: 10/035,991

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having **18** pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (*if applicable*)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (*if applicable*)
 - d. ☐ Reference to Microfiche Appendix (*if applicable*)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (*if drawings filed*)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure
3. ☒ Drawing(s) (*when necessary as prescribed by 35 USC 113*)
 - a. ☒ Formal
 - b. ☐ InformalNumber of Sheets 4
4. ☒ Oath or Declaration
 - a. ☐ Newly executed (*original or copy*) ☐ Unexecuted
 - b. ☒ Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
 - c. ☒ With Power of Attorney ☐ Without Power of Attorney

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Application Elements (Continued)

5. ☒ Incorporation by Reference (*usable if Box 4b is checked*)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche (*Appendix*)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy (*identical to computer copy*)
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☐ Assignment Papers (*cover sheet & document(s)*)
9. ☐ 37 CFR 3.73(B) Statement (*when there is an assignee*)
10. ☐ English Translation Document (*if applicable*)
11. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard
14. ☒ Certificate of Mailing
☐ First Class ☒ Express Mail (*Specify Label No.*): EL 897035506 US
15. ☒ Small Entity Status being claimed
16. ☒ Application Data Sheet
17. ☒ Additional Enclosures (*please identify below*):

Copy of Request and Certification Under 35 USC 122(b)(2)(B)(i) which was filed in parent application

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FEE CALCULATION AND TRANSMITTAL

CLAIMS AS FILED

1) For	2) Number Filed	3) Number Extra	Rate	Additional Fee
TOTAL CLAIMS (37 CFR 1.16(c))	21 - 20 =	- 1 -	X\$ 9.00	\$ 9.00
INDEPENDENT CLAIMS (37 CFR 1.16(c))	3 - 3 =	- 0 -	X\$43.00	\$ - 0 -
First Pres. Of Multiple Dep. Claims		= 0		
Basic Fee		= 0		\$385.00
			TOTAL	\$394.00

- ☒ A check in the amount of \$394.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 500645 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment or any deficiency.
- ☒ Charge any additional filing fees required under 37 CFR 1.16 and 1.17 to Account No. 500645.

Respectfully submitted,

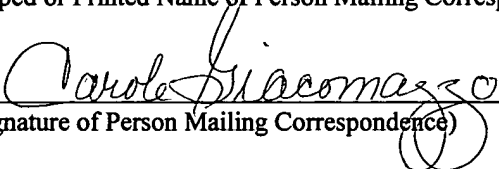
Date: Jan 22, 2004

By: James A. Lucas

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Enclosures

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Bennington			DOCKET NO. SNE-10-5622-D1
Serial No. To be assigned	Filing Date Filed Herewith	Examiner	Group Art Unit
Invention: SPLIT WHEEL STUMP CUTTER WITH REPLACEABLE TOOTH BLOCKS AND CUTTING TEETH			
<p>I hereby certify that the following documents</p> <p> New Utility Patent Application Transmittal Application Data Sheet Patent Application comprising 12 pages of specification, 5 pages of claims, 1 page of Abstract and 4 sheets of drawings Check No. 21826 for \$394.00 to cover the filing fee Copy of Declaration and Power of Attorney for Patent Application Copy of IDS Submission Statement with 1449 Form Copy of Request and Certification Under 35 USC 122(b)(2)(B)(i) Acknowledgement post card </p> <p>are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>January 22, 2004</u>.</p> <p style="text-align: center;"> <u>Carole Giacomazzo</u> (Typed or Printed Name of Person Mailing Correspondence) </p> <p style="text-align: center;">  (Signature of Person Mailing Correspondence) </p> <p style="text-align: center;"> <u>EL 897035506 US</u> ("Express Mail" Mailing Label Number) </p>			

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PTO/SIB/35 (11-00)

Approved for use through 10/31/2002, OMB 0651-0031
U.S. Patent and Trademark Office, U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	JOHN T. BENNINGTON
Title	SPLIT WHEEL STUMP CUTTER WITH REPLACE- ABLE TOOTH BLOCKS AND CUTTING TEETH
Atty Docket Number	SNE-10-5622-D1

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12-31-2001
Date

15/ John T. Bennington
Signature

John T. Bennington

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.

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